

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Sosa, et al.

Serial No.: 10/674,224

Confirmation No.: 2510

Filed: September 29, 2003

For: High Impact Polystyrene and Process
for Preparing Same

§ Atty. Dkt. No.: COS-857/864

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§ Group Art Unit: 1711

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§ Cust. No.: 25264

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§ Examiner: Nutter

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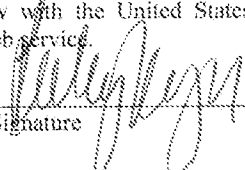
Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Honorable Commissioner:

CERTIFICATE OF EFS-WEB TRANSMISSION
37 CFR 1.10

I hereby certify that this correspondence is being
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8/5/09
Date



Signature

TRANSMITTAL LETTER

In connection with the above identified application, Applicants respectfully submit the following in response to the Notification of Non-Compliant Appeal Brief dated July 8, 2009:

1. Summary of Claimed Subject Matter (replacement page 3).

Respectfully submitted,



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Accordingly, independent Claim 1 recites a process for preparing a high impact polystyrene comprising admixing a rubber and styrene monomer in the presence of at least two polymerization initiators and polymerizing the styrene wherein at least one of the at least two polymerization initiators is a grafting initiator and at least one of the at least two polymerization initiators is a non-grafting initiator. *See*, Specification, at least page 2, lines 15-20.

Independent claim 25 recites a process for preparing a high impact polystyrene comprising admixing a rubber and styrene monomer in the presence of at least two polymerization initiators selected to optimize a high impact polystyrene morphology, wherein at least one of the at least two polymerization initiators is a grafting initiator and at least one of the at least two polymerization initiators is a non-grafting initiator and polymerizing the styrene to form the high impact polystyrene. *See, Id.* and Specification, at least page 7, lines 14-15.

Such a process unexpectedly may increase the rubber particle size while maintaining the desired polymer morphology. *See*, Specification, Examples (*e.g.*, page 10, paragraph 37 at lines 7 to 11, Figure 3, numbers 301 and 302 and Figures 4-7 and Figures 8-9 for comparison.)

Independent Claim 27 recites a process for preparing a high impact polystyrene comprising admixing a rubber and styrene monomer in the presence of at least two polymerization initiators and polymerizing the styrene wherein at least one of the at least two polymerization initiators is a grafting initiator and at least one of the at least two polymerization initiators is a non-grafting initiator selected from the group consisting of 2,2'-azobis(isobutyronitrile), 2,2'-azobis(2-methylbutyronitrile), lauroyl peroxide, decanoyl peroxide, and mixtures thereof. *See*, Specification, at least page 2, lines 15-20 and page 5, lines 9-12.

Dependent claim 26 recites that the morphology includes honeycomb structures. *See*, Specification, at least page 7, lines 14-19.